



General Assembly

Substitute Bill No. 876

January Session, 2009

* SB00876PH_APP032509 *

**AN ACT CONCERNING LIABILITY OF NURSING HOME OWNERS FOR
NEGLECT AND ABUSE OF NURSING HOME RESIDENTS AND
CRIMINAL RECORDS CHECKS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 19a-528a of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective October 1, 2009*):

3 For any application of licensure for the acquisition of a nursing
4 home filed after July 1, 2004, any potential nursing home licensee or
5 owner [must] shall submit, in writing, a change in ownership
6 application with respect to the facility for which the change in
7 ownership is sought. The Department of Public Health shall prepare
8 the change in ownership application which shall include the following
9 statement printed in no less than twelve-point boldface type of
10 uniform font on the first page of the application: "NOTICE: Any
11 nursing home licensee or owner, including, but not limited to, an
12 officer, director, trustee, limited partner, managing partner, general
13 partner or any person having at least a ten per cent ownership interest
14 in the owner, as well as any administrator, assistant administrator,
15 medical director, director of nursing or assistant director of nursing,
16 may be subject to criminal liability, in addition to civil and
17 administrative sanctions under federal and state law, for the abuse or
18 neglect of a resident of the nursing home perpetrated by an employee
19 of the nursing home.". Such application shall also include whether

20 such potential nursing home licensee or owner (1) has had civil
21 penalties imposed through final order of the commissioner in
22 accordance with the provisions of sections 19a-524 to 19a-528,
23 inclusive, or civil penalties imposed pursuant to the statutes or
24 regulations of another state, during a two-year period, (2) has had in
25 any state intermediate sanctions imposed through final adjudication
26 under the Medicare or Medicaid program pursuant to Title XVIII or
27 XIX of the federal Social Security Act, 42 USC 301, as from time to time
28 amended, or (3) has had in any state such potential licensee's or
29 owner's Medicare or Medicaid provider agreement terminated or not
30 renewed. [.] The commissioner shall not approve such application to
31 acquire another nursing home in this state for a period of five years
32 from the date of final order on such civil penalties, final adjudication of
33 such [intermediate] sanctions, or termination or nonrenewal, except for
34 good cause shown. [Notwithstanding, the provisions of this section,
35 the Commissioner of Public Health, may for good cause shown, permit
36 a potential nursing home licensee or owner to acquire another nursing
37 home prior to the expiration of said five-year period.]

38 Sec. 2. (NEW) (*Effective October 1, 2009*) (a) As used in this section,
39 "comprehensive background check" means a background investigation
40 performed by a nursing home facility that includes, but is not limited
41 to: (1) A review of the employment application prepared by the
42 nursing home facility and completed by the applicant; (2) an in-person
43 interview of the applicant; (3) verification of the applicant's Social
44 Security number; (4) if the position applied for within the nursing
45 home facility requires licensure on the part of the applicant,
46 verification that the required license is in good standing; (5) a check of
47 the registry established and maintained pursuant to section 54-257 of
48 the general statutes; (6) a review of criminal conviction information
49 obtained through a search of current criminal matters of public record
50 in this state based on the applicant's name and date of birth; (7) if the
51 applicant has resided in this state less than five years prior to the date
52 of the application for employment, a review of criminal conviction
53 information from the state or states where such applicant resided

54 during the five-year period preceding the date of such application; and
 55 (8) a review of any other information that the nursing home facility
 56 deems necessary in order to evaluate the suitability of the applicant for
 57 the position.

58 (b) Each nursing home facility shall require an applicant for
 59 employment in the nursing home facility who may have direct and
 60 ongoing contact with the facility's residents to submit to a
 61 comprehensive background check.

62 Sec. 3. Section 19a-521 of the general statutes is repealed and the
 63 following is substituted in lieu thereof (*Effective October 1, 2009*):

64 As used in this section, [and] sections 19a-522 to 19a-534a, inclusive,
 65 19a-536 to 19a-539, inclusive, [and] 19a-550 to 19a-554, inclusive, and
 66 section 2 of this act, unless the context otherwise requires: "Nursing
 67 home facility" means any nursing home or residential care home as
 68 defined in section 19a-490 or any rest home with nursing supervision
 69 which provides, in addition to personal care required in a residential
 70 care home, nursing supervision under a medical director twenty-four
 71 hours per day, or any chronic and convalescent nursing home which
 72 provides skilled nursing care under medical supervision and direction
 73 to carry out nonsurgical treatment and dietary procedures for chronic
 74 diseases, convalescent stages, acute diseases or injuries; "department"
 75 means the Department of Public Health and "commissioner" means the
 76 Commissioner of Public Health or the commissioner's designated
 77 representative.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	19a-528a
Sec. 2	<i>October 1, 2009</i>	New section
Sec. 3	<i>October 1, 2009</i>	19a-521

AGE**Joint Favorable C/R****PH**

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